

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BING CHARLES W. KEARNEY JR. and
TONYA KEARNEY,

Plaintiffs,

v.

Case No. 8:21-cv-64-T-KKM-TGW

VALLEY NATIONAL BANK,

Defendant.

ORDER

Plaintiffs Bing Charles and Tonya Kearney move to remand this action to state court, where they originally filed it. (Doc. 13). The Kearneys do not dispute that the amount in controversy exceeds \$75,000. (*Id.* at 2 n.1). And the Kearneys do not dispute that Valley National Bank designated New Jersey as its main office, making Valley National Bank a citizen of New Jersey. *See id.* Instead, the Kearneys argue that Valley National Bank is also a citizen of Florida because it “maintains and conducts a tremendous business presence in Florida.” (*Id.* at 5).

The Kearneys’ argument fails because “for purposes of diversity jurisdiction, a national bank is a citizen of the state ‘designated in its articles of association as its main office,’ and is not a citizen of each state in which the bank has established branch operations.” *See Orton v. Mathews*, 572 F. App’x 830, 831–32 (11th Cir. 2014) (quoting *Wachovia Bank v. Schmidt*, 546 U.S. 303 (2006)). As a result, the Kearneys’ argument,

although persuasive as a practical matter, is unpersuasive as a legal one. Because the Court otherwise finds that it has diversity jurisdiction under 28 U.S.C. § 1332, the Kearneys' motion for remand (Doc. 13) is **DENIED**.

ORDERED in Tampa, Florida, on May 11, 2021.


Kathryn Kimball Mizelle
United States District Judge